

Advocates for Universal Access

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April 12, 2010

Public Utilities Commission of South Carolina
Attn: Ms. Joceyln Boyd, Chief Clerk
101 Executive Center Dr., Suite 100
Columbia, SC 29210

RE: Docket 38056, Virgin Mobile Request for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service

To Whom It May Concern:

Advocates for Universal Access is Advocates for Universal Access is a wireless industry watchdog that has been following Virgin Mobile's application to the FCC for classification as a "facilities-based carrier" in the context of its many pending applications requesting designation as an "Eligible Telecommunications Carrier" ("ETC") for Lifeline around the nation.

Please accept this petition to intervene re: Docket # 2010-91-C

Sincerely,

Sheila Stickel

Before the South Carolina Public Service Commission

In the Matter of

Virgin Mobile USA, L.P.

**Public Comment for Limited Designation
as an Eligible Telecommunications Carrier
For the Limited Purpose of Offering
Lifeline Service**

Docket No. 2010-91-C

Advocates for Universal Access, Petition to Intervene

Advocates for Universal Access (“AUA”) respectfully requests the opportunity to Intervene as a Party of Record for the purpose of presenting comments regarding the above titled application for Eligible Telecommunication Carrier (“ETC”) designation status by Virgin Mobile USA, L.P. (“Virgin Mobile”)(Docket No. 2010-91-C). We anticipate that our public comments will take no more than five minutes. Additionally, we respectfully request that we be notified of any change in the hearing and, if applicable, the opportunity to pre-submit comments in writing to the Commission.

AUA has standing both as a national wireless watchdog and advocacy group, and because the question of whether Virgin Mobile is a “facilities based carrier” has national implications. AUA has comments pending upon identical applications by Virgin Mobile before the FCC (and other states) in which Virgin Mobile seeks removal of “forbearance” conditions as a “facilities based carrier”. See, e.g. FCC Docket 09-197. Any determination by the Public Service Commission in South Carolina could have impact upon these other applications, because the term “facilities based carrier” is a term relating to federal regulations. See, e.g. 19 USC 1829. We have submitted comments to the FCC and other jurisdictions seeking clarification and/or challenging whether Virgin Mobile is in fact a “facilities based carrier”.

Respectfully Submitted this 12th day of April, 2010, by:

Eustef

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RECEIVED DATE: Oct 4/12/12
SERIAL: _____